

REMARKS

In the Office Action mailed November 10, 2004, the Examiner rejected claims 1-23. By way of the foregoing amendments and the markings to show changes Applicants have amended claims 1, 2, 4, 5, 7-10, 12, 13, 15-18, 20, 21 and 23. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art. More particularly, the foregoing amendments address formality and clarity issues and Applicants believe that the scope of the claims should be unaffected by such amendments.

I. Specification

The Office Action objected to multiple informalities in the specification. Each informality has been addressed according to the instructions provided by the Office Action.

II. Claim Rejections 35 USC 112

The Office Action rejected claims 1-23 under 35 USC 112. The Office Action reads that, "The use of the expressions 'first member' and 'second member' throughout the claims is confusing as the expressions 'first member' and 'second member' are associated with 'the article of manufacture', 'the assembly', the 'carrier' and 'the automotive vehicle'." The Office Action further suggests that, "It is difficult to keep track of what member is being referred to." In response, Applicants state that the article of manufacture includes a first member and a second member and that the carrier includes a first member and a second member and the carrier is included in the assembly. In certain of the claims, the article of manufacture is an automotive vehicle. Applicants have reviewed and amended the claims to assure that wherever the first member or the second member is mentioned, the claims specifically state whether that first member or second member is part of the article of manufacture or whether it is part of the carrier. If the Examiner has any further issues with the claims in this regard, he is specifically requested to phone the undersigned such that those issues may be addressed preferably in an Examiner's Amendment.

The Office Action also suggested that, "it is not clear what is how [sic] 'the first mass of expandable material rotates relative to the second member of the assembly' since the first mass of expandable material expand an flows once activated." The Office Action further suggests that claim 1 has omitted a step and suggests that, "The Omitted steps are: 'the first member of the carrier rotates relative to the second member of the carrier' since the first mass of expandable material cannot rotate relative to the second member of the carrier unless the first member of the carrier rotates..." In response to both these points, Applicants have amended claim 1 to clarify the rotation of the first member of the carrier along with the rotation of the mass of expandable material. Applicants believe that this amendment to claim 1 clarifies any confusion indicated by the Office Action. However, if the Examiner has any further issues with the claims in this regard, he is specifically requested to phone the undersigned such that those issues may be addressed preferably in an Examiner's Amendment.

The Office Action also suggested that claim 1 lacks sufficient antecedent basis for the term "the first member of the automotive vehicle" in lines 11-12. Applicants have amended claim 1 to properly refer to the first member of the article of manufacture.

The Office Action also suggested that claim 2 lacks sufficient antecedent basis for the term "the first member of the assembly". Applicants have revised that term to read "the first member of the carrier".

III. Allowable Subject Matter

The Office Action indicated claims 1-23 as allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 ... in the Office Action. Applicants thank the Examiner for the indication of allowable subject matter. Applicants believe that the rejections of the Office Action have been overcome and respectfully request a notice of allowance.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the

claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Dated: 29 December 2004 Scott Chapple

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